

**IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.8126 OF 2005

Shri Manoj Motwani and ors, .. Petitioners.
Vs
State of Maharashtra and anr .. Respondents.

Mr Sudeep Pasbolo i/b Ms Bhavana Gaja, for the
petitioners.

Mrs M.M.Deshmukh, APP for the respondent-State.

Rishi Bhuta for respondent no.2.

CORAM : D.B.BHOSALE, J.

DATED : 8th AUGUST, 2006

P.C.:

1. Heard the learned counsel for the parties.
2. Leave to amend. Amendment to be carried out forthwith.

3. By this application, the petitioners-accused have prayed for quahsing of the criminal proceedings pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C.no.803/P/2003. Such prayer is made in view of the amicable settlement between the parties. The complainant has filed reply affidavit and in paragraph 13 thereof, has made reference to the another affidavit dated 28.11.2005 submittd before the investigating agency requesting them to drop the proceedings in view of the amicable settlement. The said affidavit dated 28.11.2005 is annexed to the petition at Exhibit-F.The said

affidavit of the complainant states that subsequent to lodging of the complaint by M/s ESPN Software India Private Ltd, they have amicably sorted out the dispute with M/s Indusind Media & Communication Ltd and have entered into a fresh agreement for broadcasting of Satellite Signals. The affidavit further states that the complaint bearing no.L.A.C.No.14 of 2003 was lodged due to the then prevailing misunderstanding and dispute and difference with M/s Indusind Media Communication Limited. The complainant further states in the said affidavit that M/s ESPN Softwar India Private Ltd has no objection to quash the said complaint against the accused in view of the amicable settlement arrived at between the parties. Keeping the affidavits filed by Praksh Shinde dated 28.6.06 and 28.11.2005 in view and considering the overall facts and circumstances of the case, I find no reason or ground to reject the prayer made by the petitioners. In the circumstances, I allow this application. The criminal proceedings pending on the file of the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai in C.C. No.803/P/2003 is quashed and consequently the petitioners-accused stands discharged.

4. The criminal application is disposed of.

(D.B.BHOSALE, J.)